



General Assembly

January Session, 2005

Raised Bill No. 6227

LCO No. 2759

* _____HB06227LABGAE022305_____*

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 When used in sections 5-270 to 5-280, inclusive:

4 (a) "Employer" means the state of Connecticut, its executive and
5 judicial branches, including, without limitation, any board,
6 department, commission, institution, or agency of such branches or
7 any appropriate unit thereof and any board of trustees of a state-
8 owned or supported college or university and branches thereof, public
9 and quasi-public state corporation, or authority established by state
10 law, or any person or persons designated by the employer to act in its
11 interest in dealing with employees, but [shall] does not include the
12 State Board of Labor Relations or the State Board of Mediation and
13 Arbitration.

14 (b) "Employee" means any employee of an employer, whether or not

15 in the classified service of the employer, except elected or appointed
16 officials other than special deputy sheriffs, board and commission
17 members, [managerial employees] bureau heads and confidential
18 employees.

19 (c) "Professional employee" means: (1) Any employee engaged in
20 work (A) predominantly intellectual and varied in character as
21 opposed to routine mental, manual, mechanical or physical work; (B)
22 involving the consistent exercise of discretion and judgment in its
23 performance; (C) of such a character that the output produced or the
24 result accomplished cannot be standardized in relation to a given time
25 period; (D) requiring knowledge of an advanced type in a field of
26 science or learning customarily acquired by a prolonged course of
27 specialized intellectual instruction and study in an institution of higher
28 learning or a hospital, as distinguished from a general academic
29 education or from an apprenticeship or from training in the
30 performance of routine mental, manual or physical processes; or (2)
31 any employee who has completed the courses of specialized
32 intellectual instruction and study described in [subsection (c)(1)(D)]
33 subparagraph (D) of subdivision (1) of this subsection and is
34 performing related work under the supervision of a professional
35 person to qualify [himself] to become a professional employee as
36 defined in [subsection (c)(1)] subdivision (1) of this subsection.

37 (d) "Employee organization" means any lawful association, labor
38 organization, federation or council having as a primary purpose the
39 improvement of wages, hours and other conditions of employment
40 among state employees.

41 (e) "Confidential employee" means any public employee who would
42 have access to confidential information used in collective bargaining.

43 (f) "Supervisory employee" means any individual in a position in
44 which the principal functions are characterized by not fewer than two
45 of the following: (1) Performing such management control duties as
46 scheduling, assigning, overseeing and reviewing the work of

47 subordinate employees; (2) performing such duties as are distinct and
 48 dissimilar from those performed by the employees supervised; (3)
 49 exercising judgment in adjusting grievances, applying other
 50 established personnel policies and procedures and in enforcing the
 51 provisions of a collective bargaining agreement; and (4) establishing or
 52 participating in the establishment of performance standards for
 53 subordinate employees and taking corrective measures to implement
 54 those standards, provided in connection with any of the foregoing the
 55 exercise of such authority is not merely of a routine or clerical nature,
 56 but requires the use of independent judgment. [, and such individuals
 57 shall be] Such individuals are employees within the meaning of
 58 subsection (b) of this section. The above criteria for supervisory
 59 positions [shall] does not necessarily apply to police or fire
 60 departments.

61 (g) "Managerial employee" means any individual in a position in
 62 which the principal functions are characterized by not fewer than two
 63 of the following, provided for any position in any unit of the system of
 64 higher education, one of such two functions shall be as specified in
 65 subdivision (4) of this subsection: (1) Responsibility for direction of a
 66 subunit or facility of a major division of an agency or assignment to an
 67 agency head's staff; (2) development, implementation and evaluation
 68 of goals and objectives consistent with agency mission and policy; (3)
 69 participation in the formulation of agency policy; or (4) a major role in
 70 the administration of collective bargaining agreements or major
 71 personnel decisions, or both, including staffing, hiring, firing,
 72 evaluation, promotion and training of employees. Such individuals,
 73 other than any individuals who are bureau heads, as defined in
 74 subsection (h) of this section, are employees within the meaning of
 75 subsection (b) of this section.

76 (h) "Bureau head" means any individual who heads a major division
 77 of an agency and reports to the agency head or deputy agency head,
 78 provided: (1) The number of bureau heads in any agency shall not
 79 exceed the greater of (A) one, or (B) one-half of one per cent of the total

80 number of permanent full-time employees in the agency, rounded to
 81 the next lowest whole number, (2) the number of bureau heads in the
 82 state executive branch shall not exceed one-half of one per cent of the
 83 total number of permanent full-time employees in the branch, rounded
 84 to the next lowest whole number, and the number of bureau heads in
 85 the state judicial branch shall not exceed one-half of one per cent of the
 86 total number of permanent full-time employees in the branch, rounded
 87 to the next lowest whole number, and (3) if an agency has more major
 88 divisions than the number of bureau heads permitted in the agency by
 89 this subsection, the major divisions shall be ranked by the number of
 90 permanent full-time employees in each, and any individual heading a
 91 major division with a smaller number of permanent full-time
 92 employees shall be excluded from being classified as a bureau head
 93 before any individual heading a major division with a larger number
 94 of full-time employees.

95 Sec. 2. Subsection (b) of section 5-275 of the general statutes is
 96 repealed and the following is substituted in lieu thereof (*Effective*
 97 *October 1, 2005*):

98 (b) The board shall determine the appropriateness of a unit which
 99 shall be the public employer unit or a subdivision [thereof] of the
 100 public employer unit. In determining the appropriateness of the unit,
 101 the board shall: (1) Take into consideration, but shall not limit
 102 consideration to, the following: (A) Public employees must have an
 103 identifiable community of interest, and (B) the effects of
 104 overfragmentation; (2) not decide that any unit is appropriate if (A)
 105 such unit includes both professional and nonprofessional employees,
 106 unless a majority of such professional employees vote for inclusion in
 107 such unit, or (B) such unit includes both Department of Correction
 108 employees at or above the level of lieutenant and Department of
 109 Correction employees below the level of lieutenant; (3) decide that a
 110 unit is not appropriate if the unit includes both managerial and
 111 nonmanagerial employees; (4) take into consideration that when the
 112 state is the employer, it will be bargaining on a state-wide basis unless

113 issues involve working conditions peculiar to a given governmental
114 employment locale; [(4)] (5) permit the faculties of (A) The University
115 of Connecticut, (B) the Connecticut State University system, and (C)
116 the state regional vocational-technical schools to each comprise a
117 separate unit, which in each case shall have the right to bargain
118 collectively with their respective boards of trustees or their designated
119 representatives; and [(5)] (6) permit the community college faculty and
120 the technical college faculty as they existed prior to July 1, 1992, to
121 continue to comprise separate units, which in each case shall have the
122 right to bargain collectively with its board of trustees or its designated
123 representative. Nonfaculty professional staff of the above institutions
124 may by mutual agreement be included in such bargaining units, or
125 they may form a separate bargaining unit of their own. This section
126 shall not be deemed to prohibit multiunit bargaining.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	5-270
Sec. 2	<i>October 1, 2005</i>	5-275(b)

LAB***Joint Favorable C/R******GAE***